

ASSEMBLY BILL

No. 1770

**Introduced by Committee on Water, Parks and Wildlife
(Canciamilla (Chair), Berg, Corbett, Daucher, Frommer,
Goldberg, Shirley Horton, Kehoe, Matthews, Parra, Pavley, and
Wolk)**

March 11, 2003

An act to amend Sections 206, 207, 208, 857, 1590, 1591, 2003, and 8282 of, to add Sections 1002, 6950.5, 6951, and 6957 to, to repeal Section 2250, and Article 3 (commencing with Section 6430) of Chapter 5 of, and to repeal and add Section 1002 of, the Fish and Game Code, and to amend Sections 538, 5001.4, 5001.65, 5003.1, 5019.50, 5019.56, 5019.80, 36602, 36620, 36700, 36710, and 36725 of, and to add Sections 21080.30 and 36711 to, the Public Resources Code, and to Amend Section 9 of Chapter 517 of the Statutes of 2002, relating to resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1770, as introduced, Committee on Water, Parks and Wildlife. Fish and Game Commission: marine resources: scientific collection program.

(1) Existing law requires the Fish and Game Commission to hold meetings in odd-numbered years for the purpose of considering and adopting revisions to regulations relating to fish, amphibia, and reptiles, even numbered years for regulations relating to mammals, and even numbered years for regulations relating to resident game birds.

This bill would instead require the commission to hold those meetings at least once every 5 years.

(2) Existing law authorizes the department to issue permits and charge fees to take or possess, in any part of the state, mammals, birds and the nests and eggs thereof, fish, amphibia, reptiles, or any other form of plant or animal life for scientific, educational, or propagation purposes. The existing California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on any project that it proposes to carry out or approve that may have a significant effect on the environment, or to adopt a negative declaration if it finds that the project will not have that effect.

This bill would repeal that provision, and would instead required the department to develop a scientific collection program to grant members of the public access to fish and wildlife resources for scientific and educational purposes. The bill would require the department to charge permit fees for the costs of implementing the program. The bill would exempt the scientific collection program from the provisions of CEQA.

(3) Existing law prohibits the offering of any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby. Existing law authorizes the department to issue a permit, for a fee, to any person authorizing the offering of a prize or other inducement, however, if it finds that there would be no detriment to the resource. Existing law authorizes the department to waive the fee for persons under the age of 16 or the physically or mentally challenged, if the total value of the all prizes or other inducements does not exceed \$500. Existing law also authorizes the department to issue an annual permit that covers all contests, tournaments, or derbies in a calendar year if on each occasion the number of participants is less than 50 and the total value of the prizes or other inducements does not exceed \$1,000, and to issue an event permit that covers each contest, tournament or derby where either the number of participants exceeds 50 or the total value of the prizes or other inducements exceeds \$1,000.

This bill would repeal those permit provisions, and would instead authorize a permit to be issued if the department finds that there would be no detriment to the resource, and if the total value of all prizes and other inducements is less than \$500 for each contest, tournament, and derby.

(4) Existing law prohibits the importation, transportation into, or possession of any live muskrat in the region west of the Cascade-Sierra Nevada mountain system, and west and south of the Tehachapi, Liebre,



San Gabriel, San Bernardino, San Jacinto, Cuyamaca, and connected mountains south to the international boundary, or in any watershed tributary to or draining into the Pacific Ocean, except the drainage basin of the Klamath River, and prohibits the importation or transportation of live muskrats into any part of California outside that region, except under permit issued by the department.

This bill would repeal that prohibition.

(5) Existing law requires the department to work cooperatively with the State Lands Commission and the State Water Resources Control Board to implement the Ballast Water Management Program, which, with certain exceptions, requires the master, operator, or person in charge of a vessel to employ prescribed ballast water management practices for ballast water carried into the waters of the state from areas outside the exclusive economic zone, as defined. Existing law provides for the repeal of these provisions on January 1, 2004.

This bill would renumber the location of those provisions in existing law, and would delete the repeal date, thereby extending those provisions indefinitely.

(6) Existing law establishes the Marine Managed Areas Improvement Act, which, among other things, prescribes 6 classifications for designating managed areas in the marine and estuarine environments to ensure the long-term ecological viability and biological productivity of marine ecosystems and to preserve cultural resources in the coastal sea. Existing law specifies that throughout the act, and in references to the act, the term “marine (estuarine)” means that either the word “marine” or “estuarine” is to be used, as appropriate for the geographic area being designated.

This bill would revise that terminology throughout the act and in references to the act, to delete the term “(estuarine)” and would specify that the word “marine” refers to both marine and estuarine areas.

(7) Existing law requires the Resources Agency and the Technology, Trade, and Commerce Agency, in consultation with the Imperial Irrigation District, Imperial County, and any other entities, organizations, and individuals deemed appropriate by the secretaries of those 2 agencies, to review and report to the Governor and the Legislature, on or before June 30, 2003, on matters pertaining to the implementation of the Salton Sea Quantification Settlement Agreement.

This bill would extend the deadline for that review and report to January 30, 2005.



(8) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and to the commission to pay all necessary expenses incurred in carrying out the Fish and Game Code and to pay the compensation and expenses of the commissioners and employees of the commission.

By imposing additional duties on the department, and by increasing revenues in a continuously appropriated fund, this bill would make an appropriation.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 206 of the Fish and Game Code is
2 amended to read:

3 206. (a) In addition to, or in conjunction with, other regular
4 or special meetings the commission shall, ~~in odd-numbered~~ *at*
5 *least once every five* years, hold meetings in the first 10 days of
6 August, October, November, and December for the purpose of
7 considering and adopting revisions to regulations relating to fish,
8 amphibia, and reptiles. The commission shall alternate the
9 locations of the August and December meetings between Los
10 Angeles or Long Beach and Sacramento, and the October and
11 November meetings between San Diego and Redding or Red
12 Bluff.

13 (b) At the August meeting, the commission shall receive
14 recommendations for regulations from its own members and staff,
15 the department, other public agencies, and the public.

16 (c) At the October and November meetings, the commission
17 shall devote time for open public discussion of proposed
18 regulations presented at the August meeting. The department shall
19 participate in this discussion by reviewing and presenting its
20 findings regarding each regulation proposed by the public and by
21 responding to objections raised pertaining to its proposed
22 regulations. After considering the public discussion, the
23 commission shall announce, prior to adjournment of the
24 November meeting, the regulations it intends to add, amend, or
25 repeal relating to fish, amphibia, and reptiles.

26 (d) At the December meeting, the commission may choose to
27 hear additional public discussion regarding the regulations it



1 intends to adopt. At, or within 20 days after, the meeting, the
2 commission shall add, amend, or repeal regulations relating to any
3 recommendation received at the August meeting regarding fish,
4 amphibia, and reptiles it deems necessary to preserve, properly
5 utilize, and maintain each species or subspecies.

6 (e) Within 45 days after adoption, the department shall publish
7 and distribute regulations adopted pursuant to this section.

8 SEC. 2. Section 207 of the Fish and Game Code is amended
9 to read:

10 207. (a) In addition to, or in conjunction with, other regular
11 or special meetings, the commission shall hold meetings in the first
12 10 days of the months of February, March, and April ~~in~~
13 ~~even-numbered~~ *at least once every five years* for the purpose of
14 considering and adopting revisions to regulations relating to
15 mammals. The commission shall alternate the location of the
16 February meeting between Sacramento and Los Angeles or Long
17 Beach. The commission shall alternate the location of the March
18 meeting between San Diego and Redding or Red Bluff. The
19 commission shall alternate the location of the April meeting
20 between Sacramento and Los Angeles or Long Beach.

21 (b) At the February meeting, the commission shall receive
22 recommendations for regulations from its own members and staff,
23 the department, other public agencies, and the public.

24 (c) At the March meeting, the commission shall devote time for
25 open public discussion of proposed regulations presented at the
26 February meeting. The department shall participate in this
27 discussion by reviewing and presenting its findings regarding each
28 regulation proposed by the public and by responding to objections
29 raised pertaining to its proposed regulations. After considering the
30 public discussion, the commission shall announce, prior to
31 adjournment of the March meeting, the regulations it intends to
32 add, amend, or repeal relating to mammals.

33 (d) At, or within 20 days after, the April meeting, the
34 commission may choose to hear additional public discussion
35 regarding the regulations it intends to adopt. At, or within 20 days
36 after, the meeting, the commission shall add, amend, or repeal
37 regulations relating to any recommendations received at the
38 February meeting regarding mammals that it deems necessary to
39 preserve, properly utilize, and maintain each species or
40 subspecies.

1 (e) Within 45 days after adoption, the department shall publish
2 and distribute regulations adopted pursuant to this section.

3 SEC. 3. Section 208 of the Fish and Game Code is amended
4 to read:

5 208. (a) In addition to, or in conjunction with, other regular
6 or special meetings, the commission shall hold meetings in June
7 and August ~~in even-numbered~~ *at least once every five* years for the
8 purpose of considering and adopting revisions to regulations
9 relating to resident game birds.

10 (b) At the June meeting, the commission shall receive
11 recommendations for regulations from its own members and staff,
12 the department, other public agencies, and the public.

13 (c) At, or within 20 days after, the August meeting, the
14 commission shall devote time for open public discussion of
15 proposed regulations presented at the June meeting. The
16 department shall participate in this discussion by reviewing and
17 presenting its findings regarding each regulation proposed by the
18 public and by responding to objections raised pertaining to its
19 proposed regulations. After considering the public discussion, the
20 commission, at, or within 20 days after, the August meeting, shall
21 add, amend, or repeal regulations relating to any recommendation
22 received at the June meeting regarding resident game birds that it
23 deems necessary to preserve, properly utilize, and maintain each
24 species or subspecies.

25 (d) Within 45 days after adoption, the department shall publish
26 and distribute regulations adopted pursuant to this section.

27 SEC. 4. Section 857 of the Fish and Game Code is amended
28 to read:

29 857. (a) Notwithstanding any other provision of law, the
30 status of a person as an employee, agent, or licensee of the
31 department does not confer upon that person a special right or
32 privilege to knowingly enter private land without either the
33 consent of the owner or a search warrant, an inspection warrant.

34 (b) (1) Subdivision (a) does not apply to employees, agents, or
35 licensees of the department in the event of an emergency. For
36 purposes of this section, “emergency” means a sudden,
37 unexpected occurrence, involving a clear and imminent danger
38 demanding immediate action to prevent or mitigate loss of, or
39 damage to, wildlife, wildlife resources, or wildlife habitat.

(2) Subdivision (a) does not apply to a sworn peace officer authorized pursuant to subdivision (f) (e) of Section 830.2 of the Penal Code or, if necessary for law enforcement purposes, to other departmental personnel accompanying a sworn peace officer. Subdivision (a) shall not be construed to define or alter any authority conferred on those peace officers by any other law or court decision.

(3) Subdivision (a) does not apply to, or interfere with, the authority of employees or licensees to enter and inspect land in conformance with Section 4604 of the Public Resources Code.

This section is not intended to expand or constrain the authority, if any, of employees, agents, or licensees of the department to enter private land to conduct inspections pursuant to Section 7702 of this code or Section 8670.5, 8670.7, or 8670.10 of the Government Code.

(c) If the department conducts a survey or evaluation of private land that results in the preparation of a document or report, the department shall, upon request and without undue delay, provide either a copy of the report or a written explanation of the department's legal authority for denying the request. The department may charge a fee for each copy, not to exceed the direct costs of duplication.

SEC. 5. Section 1002 of the Fish and Game Code is repealed.

~~1002. (a) The department may issue permits, subject to restrictions and regulations that the commission determines are desirable, to take or possess, in any part of the state, for scientific, educational, or propagation purposes, mammals, birds and the nests and eggs thereof, fish, amphibia, reptiles, or any other form of plant or animal life.~~

~~(b) The department may issue a permit that is valid for 24 months from the date of issuance to a resident of this state on the payment of a base fee of thirty dollars (\$30), as adjusted under Section 713.~~

~~(c) Notwithstanding subdivision (b), the department may issue a permit without fee that is valid for 12 months from the date of issuance for either of the following purposes:~~

~~(1) To authorize only the banding of birds and the exhibition of live or dead wildlife specimens by public zoological gardens, scientific, or educational institutions.~~

~~(2) To a student who is regularly enrolled in a commercial fishing class in a school operating under the jurisdiction of the State Board of Education or in a commercial fishing class in a community college and to a faculty member of those schools or a community college when conducting a regularly enrolled class in commercial fishing. Any permit issued under this paragraph shall be valid only when the student is under the direct supervision of the instructor who is approved by the school or community college to teach the class and who has obtained a permit under subdivision (b) or this paragraph from the department. All fish taken shall be taken in accordance with state law, except that Sections 7850, 7880, and 7881 do not apply to persons or equipment operating under this paragraph. All fish taken under a permit issued under this paragraph may be sold only to a person licensed to receive fish from commercial fishermen as provided in Section 8032 or 8033 or donated to a charitable institution. All funds received from the sale of the fish shall be used solely for the support of the commercial fishing classes.~~

~~(d) The department may issue a special student permit that is valid for 12 months from the date of issuance on the payment of a base fee of ten dollars (\$10), as adjusted under Section 713, to any student in a school of collegiate level who is required by an instructor in wildlife research in the school to collect specimens used in laboratory work in the school under supervision and in connection with a course in wildlife research or in the conduct of wildlife investigations and studies on behalf of the public.~~

~~(e) The department may issue a nonresident permit that is valid for 24 months from the date of issuance on application and payment of a base fee of one hundred dollars (\$100) as adjusted under Section 713.~~

~~(f) It is not necessary for the possessor of the permit to have a sportfishing or hunting license to collect any fish, reptile, aquatic animal or plant, bird, or mammal for scientific, educational, or propagation purposes in this state.~~

~~(g) Nothing in this section authorizes any act which violates Section 597 of the Penal Code.~~

~~(h) A permit under this section does not authorize the taking of fish or mammals from the ocean waters of this state which are within the boundaries of any city if the city has filed with the department an objection to the taking.~~

1 ~~(i) The adjustment of the base fees pursuant to Section 713 that~~
2 ~~is specified in subdivisions (b), (d), and (e) shall be applicable to~~
3 ~~permits issued on or after January 1, 1991.~~

4 SEC. 6. Section 1002 is added to the Fish and Game Code, to
5 read:

6 1002. (a) The department shall develop a scientific collecting
7 program to grant members of the public access to fish and wildlife
8 resources for scientific and educational purposes. The program
9 shall endeavor to monitor wildlife that is collected to ensure that
10 the impacts of collection are not detrimental to the species or the
11 environment.

12 (b) The department shall impose permit fees to cover the costs
13 of implementing this section. The department may establish a
14 tiered fee structure based upon the type of collectors and the kinds
15 and quantities of wildlife resources to be collected.

16 (c) The program established by this section and activities
17 implemented pursuant to this section shall not be subject to
18 Division 13 of the Public Resources Code (commencing with
19 Section 21000).

20 SEC. 7. Section 1590 of the Fish and Game Code is amended
21 to read:

22 1590. The commission may designate, delete, or modify state
23 marine ~~(estuarine)~~ recreational management areas established by
24 the commission for hunting purposes, state marine ~~(estuarine)~~
25 reserves, and state marine ~~(estuarine)~~ conservation areas, as
26 delineated in subdivision (a) of Section 36725 of the Public
27 Resources Code. The commission shall consult with, and secure
28 concurrence from, the State Park and Recreation Commission
29 prior to modifying or deleting marine ~~(estuarine)~~ reserves and
30 marine ~~(estuarine)~~ conservation areas designated by the State Park
31 and Recreation Commission. The commission shall not delete or
32 modify state marine ~~(estuarine)~~ recreational management areas
33 designated by the State Park and Recreation Commission.

34 SEC. 8. Section 1591 of the Fish and Game Code is amended
35 to read:

36 1591. (a) The Marine Managed Areas Improvement Act
37 (Chapter 7 (commencing with Section 36600) of Division 27 of
38 the Public Resources Code) establishes a uniform classification
39 system for state marine managed areas and is incorporated herein
40 by reference. Any proposals for marine protected areas made after

January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to Section 36750 of the Public Resources Code, all marine protected areas in existence and not reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3) on January 1, 2002, shall be reclassified by the State Interagency Coordinating Committee established pursuant to Section 36800 of the Public Resources Code into one of the following classifications:

(1) State marine ~~(estuarine)~~ reserve.

(2) State marine ~~(estuarine)~~ park.

(3) State marine ~~(estuarine)~~ conservation area.

(b) State marine ~~(estuarine)~~ recreational management areas established by the commission for hunting purposes, state marine ~~(estuarine)~~ reserves, and state marine ~~(estuarine)~~ conservation areas shall be designated, deleted, or modified by the commission pursuant to that act. The restrictions and allowable uses applicable to those areas are as set forth in that act.

SEC. 9. Section 2003 of the Fish and Game Code is amended to read:

2003. (a) Except as specified in subdivisions (b) and (c), it is unlawful to offer any prize or other inducement as a reward for the taking of any game birds, mammals, fish, reptiles, or amphibia in an individual contest, tournament, or derby.

(b) The department may issue a permit to any person authorizing that person to offer a prize or other inducement as a reward for the taking of any game fish, as defined by the commission by regulation, if it finds that there would be no detriment to the resource. The permit is subject to regulations adopted by the commission. The application for the permit shall be accompanied by a fee in the amount determined by the department as necessary to cover the reasonable administrative costs incurred by the department in issuing the permit. However, the department may waive the permit fee if the contest, tournament, or derby is for persons under the age of 16 years, or who are physically or mentally challenged, the primary purpose of the contest, tournament, or derby is to introduce young anglers to, or educate them about, fishing, ~~and the total value of all prizes or other inducements does not exceed five hundred dollars (\$500).~~

All permits for which the fee is waived pursuant to this subdivision

shall comply with all other requirements set forth in this section.
The department may issue the following permits:

(1) ~~An annual permit that covers all contests, tournaments, or derbies in a calendar year where, on each occasion, the number of participants does not exceed 50 and the total value of all prizes or other inducements does not exceed one thousand dollars (\$1,000). The annual permit is subject to terms and conditions that shall include, but are not limited to, the number, date, and locations of all contests, tournaments, or derbies that are authorized by the permit.~~

(2) ~~An event permit that covers each contest, tournament, or derby where either the number of participants exceeds 50 or the total value of all prizes or other inducements exceeds one thousand dollars (\$1,000).~~

(c) ~~This section does not apply to an individual contest, tournament, or derby for the taking of game birds and mammals if the total value of all prizes or other inducements are less than five hundred dollars (\$500) for each contest, tournament, or derby. Prizes and other inducements may be offered for individual contests, tournaments, and derbies for the taking of game birds and mammals, if the total value of all prizes and other inducements is less than five hundred dollars (\$500) for each contest, tournament, and derby.~~

(d) This section does not apply to any person conducting what are generally known as frog-jumping contests or fish contests conducted in waters of the Pacific Ocean.

SEC. 10. Section 2250 of the Fish and Game Code is repealed.

~~2250. It is unlawful to import or transport into or possess any live muskrat (genus Ondatra) in the region west of the crest of the Cascade-Sierra Nevada mountain system, and west and south of the Tehachapi, Liebre, San Gabriel, San Bernardino, San Jacinto, Cuyamaca, and connected mountains south to the international boundary, or in any watershed tributary to or draining into the Pacific Ocean, except the drainage basin of the Klamath River. It is unlawful to import or transport live muskrats into any part of California outside that region, except under permit issued by the department. A county agricultural commissioner, fish and game deputy, or state plant quarantine officer may enter upon lands or waters where muskrats unlawfully exist, and remove or destroy the muskrats.~~

1 SEC. 11. Article 3 (commencing with Section 6430) of
2 Chapter 5 of the Fish and Game Code is repealed.

3 SEC. 12. Section 6950.5 is added to the Fish and Game Code,
4 to read:

5 6950.5. “Aquatic nuisance species” means a nonindigenous
6 species that threatens the viability or abundance of a native
7 species, the ecological stability of waters inhabited by those
8 species, or the viability of commercial, agricultural, aquacultural,
9 or recreational activities that depend on those waters.

10 SEC. 13. Section 6951 is added to the Fish and Game Code,
11 to read:

12 6951. The Legislature finds and hereby declares that the
13 state’s sport and commercial fisheries are resources of great
14 economic and recreational importance. These resources are
15 threatened by the introduction of aquatic organisms from foreign
16 ports brought in by means of the ballast water of freighters and
17 tankers. Several planktonic and benthic organisms, at least one of
18 which is associated with the decline of an important striped bass
19 food organism in the Sacramento-San Joaquin Estuary, have been
20 introduced into the waters of the state with negative consequences.
21 The introduction of eastern cordgrass into Humboldt Bay and
22 many estuaries along the Pacific Coast has created a variety of
23 problems. The introduction of harmful, nonindigenous organisms
24 is occurring in other estuarine and coastal areas all along the West
25 Coast, and has already taken place in other regions of the United
26 States, including, but not limited to, the Great Lakes, with
27 consequent harm to fisheries and ecosystems. Furthermore, ballast
28 water may contain viruses and bacteria, and has, therefore, been
29 recognized by the International Maritime Organization as a
30 possible method of introducing diseases harmful to indigenous
31 human, animal, and plant life. The Legislature therefore declares
32 that the people of the state have a primary interest in the regulation
33 of the dumping of ballast water originating in foreign ports in any
34 river, estuary, bay, or coastal area of this state.

35 SEC. 14. Section 6957 is added to the Fish and Game Code,
36 to read:

37 6957. The department shall work cooperatively with the State
38 Lands Commission and the State Water Resources Control Board
39 to implement the Ballast Water Management Program established



1 pursuant to Division 36 (commencing with Section 71200) of the
2 Public Resources Code.

3 SEC. 15. Section 8282 of the Fish and Game Code is amended
4 to read:

5 8282. (a) Subject to this article and Article 1 (commencing
6 with Section 9000) of Chapter 4, and subject to the regulation of
7 the commission authorized under subdivision (c), rock crab may
8 be taken in traps in any waters of the state at any time, except in
9 Districts 9, 19A, 19B, and 21 and those portions of District 20
10 lying on the north and east sides of Santa Catalina Island north of
11 Southeast Rock. Rock crab (*Cancer antennarius*), red crab (*Cancer*
12 *productus*), or yellow crab (*Cancer anthonyi*), which is less than
13 4¹/₄ inches, measured in a straight line through the body, from
14 edge of shell to edge of shell at the widest part, shall not be taken,
15 possessed, bought, or sold.

16 (b) Any person taking rock crab shall carry a measuring device
17 and shall measure any rock crab immediately upon removal from
18 the trap. If the person determines that the rock crab is undersize,
19 the person shall return it to the water immediately.

20 (c) Upon the recommendation of the director regarding rock
21 crab fishery management measures, and following a public
22 hearing on the matter, ~~at which findings are adopted~~, the
23 commission may adopt regulations to manage the rock crab
24 resource consistent with Part 1.7 (commencing with Section
25 7050).

26 SEC. 16. Section 538 of the Public Resources Code is
27 amended to read:

28 538. The commission may designate, delete, or modify state
29 marine (~~estuarine~~) reserves, state marine (~~estuarine~~) parks, state
30 marine (~~estuarine~~) conservation areas, state marine (~~estuarine~~)
31 cultural preservation areas, and state marine (estuarine)
32 recreational management areas, as delineated in subdivision (b) of
33 Section 36725. The commission may not designate, delete, or
34 modify a state marine (~~estuarine~~) reserve, state marine (~~estuarine~~)
35 park, or state marine (~~estuarine~~) conservation area without the
36 concurrence of the Fish and Game Commission on any proposed
37 restrictions upon, or change in, the use of living marine resources.

38 SEC. 17. Section 5001.4 of the Public Resources Code is
39 amended to read:

1 5001.4. The department may manage state marine ~~(estuarine)~~
2 reserves, state marine ~~(estuarine)~~ parks, state marine ~~(estuarine)~~
3 conservation areas, state marine ~~(estuarine)~~ cultural preservation
4 areas, state marine ~~(estuarine)~~ recreational management areas and,
5 if requested by the State Water Resources Control Board, state
6 water quality protection areas. Department authority over units
7 within the state park system shall extend to units of the state MMAs
8 system that are managed by the department.

9 SEC. 18. Section 5001.65 of the Public Resources Code is
10 amended to read:

11 5001.65. Commercial exploitation of resources in units of the
12 state park system is prohibited. However, slant or directional
13 drilling for oil or gas with the intent of extracting deposits
14 underlying the Tule Elk State Reserve in Kern County is
15 permissible in accordance with Section 6854. Commercial fishing
16 is permissible, unless otherwise restricted, in state marine
17 ~~(estuarine)~~ conservation areas, state marine ~~(estuarine)~~ cultural
18 preservation areas, and state marine ~~(estuarine)~~ recreational
19 management areas.

20 Qualified institutions and individuals shall be encouraged to
21 conduct nondestructive forms of scientific investigation within
22 state park system units, upon receiving prior approval of the
23 director.

24 The taking of mineral specimens for recreational purposes from
25 state beaches, state recreation areas, or state vehicular recreation
26 areas is permitted upon receiving prior approval of the director.

27 SEC. 19. Section 5003.1 of the Public Resources Code is
28 amended to read:

29 5003.1. The Legislature finds and declares that it is in the
30 public interest to permit hunting, fishing, swimming, trails,
31 camping, campsites, and rental vacation cabins in certain state
32 recreation areas, or portions thereof, when it is found by the State
33 Park and Recreation Commission that ~~such~~ multiple use of state
34 recreation areas would not threaten the safety and welfare of other
35 state recreation area users. Hunting shall not be permitted in any
36 unit now in the state park system and officially opened to the public
37 on or before June 1, 1961, or in any unit hereafter acquired and
38 designated by the commission as a state park, state marine
39 ~~(estuarine)~~ reserve, state marine ~~(estuarine)~~ park, state reserve,
40 state marine ~~(estuarine)~~ conservation area, or state marine

~~(estuarine)~~ cultural preservation area, and may only be permitted in new recreational areas and state marine ~~(estuarine)~~ recreational management areas that are developed for that use.

Whenever hunting or fishing is permitted in a state recreation area or state marine ~~(estuarine)~~ recreational management area, and whenever fishing is permitted in a state park, state marine ~~(estuarine)~~ park, state marine-~~(estuarine)~~ cultural preservation area, or state marine ~~(estuarine)~~ conservation area, the Department of Fish and Game shall enforce hunting and fishing laws and regulations as it does elsewhere in the state.

SEC. 20. Section 5019.50 of the Public Resources Code is amended to read:

5019.50. All units that are or shall become a part of the state park system, except those units or parts of units designated by the Legislature as wilderness areas pursuant to Chapter 1.3 (commencing with Section 5093.30), or where subject to any other provision of law, including Section 5019.80 and Article 1 (commencing with Section 36600) of Chapter 7 of Division 27, shall be classified by the State Park and Recreation Commission into one of the categories specified in this article. Classification of state marine ~~(estuarine)~~ reserves, state marine ~~(estuarine)~~ parks, and state marine-~~(estuarine)~~ conservation areas, requires the concurrence of the Fish and Game Commission for restrictions to be placed upon the use of living marine resources.

SEC. 21. Section 5019.56 of the Public Resources Code is amended to read:

5019.56. State recreation units consist of areas selected, developed, and operated to provide outdoor recreational opportunities. The units shall be designated by the commission by naming, in accordance with Article 1 (commencing with Section 5001) and this article relating to classification.

In the planning of improvements to be undertaken within state recreation units, consideration shall be given to compatibility of design with the surrounding scenic and environmental characteristics.

State recreation units may be established in the terrestrial or nonmarine aquatic (lake or stream) environments of the state and shall be further classified as one of the following types:

(a) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet

1 other than purely local needs. The areas shall be selected for their
2 having terrain capable of withstanding extensive human impact
3 and for their proximity to large population centers, major routes
4 of travel, or proven recreational resources such as manmade or
5 natural bodies of water. Areas containing ecological, geological,
6 scenic, or cultural resources of significant value shall be preserved
7 within state wildernesses, state reserves, state parks, or natural or
8 cultural preserves, or, for those areas situated seaward of the mean
9 high tide line, shall be designated state marine ~~(estuarine)~~ reserves,
10 state marine ~~(estuarine)~~ parks, state marine ~~(estuarine)~~
11 conservation areas, or state marine ~~(estuarine)~~ cultural
12 preservation areas.

13 Improvements may be undertaken to provide for recreational
14 activities, including, but not limited to, camping, picnicking,
15 swimming, hiking, bicycling, horseback riding, boating,
16 waterskiing, diving, winter sports, fishing, and hunting.

17 Improvements to provide for urban or indoor formalized
18 recreational activities shall not be undertaken within state
19 recreation areas.

20 (b) Underwater recreation areas, consisting of areas in the
21 nonmarine aquatic (lake or stream) environment selected and
22 developed to provide surface and subsurface water-oriented
23 recreational opportunities, while preserving basic resource values
24 for present and future generations.

25 (c) State beaches, consisting of areas with frontage on the
26 ocean, or bays designed to provide swimming, boating, fishing,
27 and other beach-oriented recreational activities. Coastal areas
28 containing ecological, geological, scenic, or cultural resources of
29 significant value shall be preserved within state wildernesses, state
30 reserves, state parks, or natural or cultural preserves, or, for those
31 areas situated seaward of the mean high tide line, shall be
32 designated state marine ~~(estuarine)~~ reserves, state marine
33 ~~(estuarine)~~ parks, state marine ~~(estuarine)~~ conservation areas, or
34 state marine ~~(estuarine)~~ cultural preservation areas.

35 (d) Wayside campgrounds, consisting of relatively small areas
36 suitable for overnight camping and offering convenient access to
37 major highways.

38 SEC. 22. Section 5019.80 of the Public Resources Code is
39 amended to read:

5019.80. (a) The Marine Managed Areas Improvement Act (Chapter 7 (commencing with Section 36600) of Division 27) establishes a uniform classification system for state marine managed areas and is incorporated herein by reference. Any proposals for marine managed areas made after January 1, 2002, shall follow the guidelines set forth in that act. Pursuant to Section 36750, existing marine *or estuarine* areas within units of the state park system that have not been reclassified in accordance with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) on January 1, 2002, shall be reclassified by the State Interagency Coordinating Committee into one of the following classifications:

- (1) State marine ~~(estuarine)~~ reserve.
- (2) State marine ~~(estuarine)~~ park.
- (3) State marine ~~(estuarine)~~ conservation area.
- (4) State marine ~~(estuarine)~~ cultural preservation area.
- (5) State marine ~~(estuarine)~~ recreational management area.

(b) The process for establishing, deleting, or modifying state marine ~~(estuarine)~~ reserves, state marine ~~(estuarine)~~ parks, state marine ~~(estuarine)~~ conservation areas, state marine ~~(estuarine)~~ cultural preservation areas, and state marine ~~(estuarine)~~ recreational management areas shall be established pursuant to that act. The restrictions and allowable uses applicable to those areas are as set forth in that act.

SEC. 23. Section 21080.30 is added to the Public Resources Code, to read:

21080.30. This division does not apply to the scientific collecting program established pursuant to Section 1002 of the Fish and Game Code.

SEC. 24. Section 36602 of the Public Resources Code is amended to read:

36602. The following definitions govern the construction of this chapter:

(a) "Committee" is the State Interagency Coordinating Committee established pursuant to Section 36800.

(b) "Designating entity" is the Fish and Game Commission, State Park and Recreation Commission, or State Water Resources Control Board, each of which has the authority to designate specified state marine managed areas.

(c) “Managing agency” is the Department of Fish and Game or the Department of Parks and Recreation, each of which has the authority to manage specified state marine managed areas.

(d) “Marine managed area” (MMA) is a named, discrete geographic marine or estuarine area along the California coast designated by law or administrative action, and intended to protect, conserve, or otherwise manage a variety of resources and their uses. The resources and uses may include, but are not limited to, living marine resources and their habitats, scenic views, water quality, recreational values, and cultural or geological resources. General areas that are administratively established for recreational or commercial fishing restrictions, such as seasonal or geographic closures or size limits, are not included in this definition. MMAs include the following classifications:

(1) State marine ~~(estuarine)~~ reserve, as defined in subdivision (a) of Section 36700.

(2) State marine ~~(estuarine)~~ park, as defined in subdivision (b) of Section 36700.

(3) State marine ~~(estuarine)~~ conservation area, as defined in subdivision (c) of Section 36700.

(4) State marine ~~(estuarine)~~ cultural preservation area, as defined in subdivision (d) of Section 36700.

(5) State marine ~~(estuarine)~~ recreational management area, as defined in subdivision (e) of Section 36700.

(6) State water quality protection areas, as defined in subdivision (f) of Section 36700.

(e) “Marine protected area” (MPA), consistent with the Marine Life Protection Act (Chapter 10.5 (commencing with Section 2850) of Division 3 of the Fish and Game Code) is a named, discrete geographic marine or estuarine area seaward of the mean high tide line or the mouth of a coastal river, including any area of intertidal or subtidal terrain, together with its overlying water and associated flora and fauna that has been designated by law or administrative action to protect or conserve marine life and habitat. MPAs are primarily intended to protect or conserve marine life and habitat, and are therefore a subset of marine managed areas (MMAs). MPAs include the following classifications:

(1) State marine ~~(estuarine)~~ reserve, as defined in subdivision (a) of Section 36700.

(2) State marine ~~(estuarine)~~ park, as defined in subdivision (b) of Section 36700.

(3) State marine ~~(estuarine)~~ conservation area, as defined in subdivision (c) of Section 36700.

SEC. 25. Section 36620 of the Public Resources Code is amended to read:

36620. The mission of the state MMA system is to ensure the long-term ecological viability and biological productivity of marine *and estuarine* ecosystems and to preserve cultural resources in the coastal sea, in recognition of their intrinsic value and for the benefit of current and future generations. In support of this mission, the Legislature finds and declares that there is a need to reexamine and redesign California's array of MMAs, to establish and manage a system using science and clear public policy directives to achieve all of the following objectives:

(a) Conserve representative or outstanding examples of marine *and estuarine* habitats, biodiversity, ecosystems, and significant natural and cultural features or sites.

(b) Support and promote marine *and estuarine* research, education, and science-based management.

(c) Help ensure sustainable uses of marine *and estuarine* resources.

(d) Provide and enhance opportunities for public enjoyment of natural and cultural marine *and estuarine* resources.

SEC. 26. Section 36700 of the Public Resources Code is amended to read:

36700. Six classifications for designating managed areas in the marine and estuarine environments are hereby established as described in this section, to become effective January 1, 2002. Where the term "marine ~~(estuarine)~~" is used, it ~~means that either the word "marine" or "estuarine" is to be used, as appropriate for the geographic area being designated~~ *refers to both marine and estuarine areas*. A geographic area may be designated under more than one classification.

(a) A "state marine ~~(estuarine)~~ reserve" is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(b) A “state marine ~~(estuarine)~~ park” is a nonterrestrial marine or estuarine area that is designated so the managing agency may provide opportunities for spiritual, scientific, educational, and recreational opportunities, as well as one or more of the following:

(1) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(2) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding representative or imperiled marine habitats or ecosystems.

(3) Preserve cultural objects of historical, archaeological, and scientific interest in marine areas.

(4) Preserve outstanding or unique geological features.

(c) A “state marine ~~(estuarine)~~ conservation area” is a nonterrestrial marine or estuarine area that is designated so the managing agency may achieve one or more of the following:

(1) Protect or restore rare, threatened, or endangered native plants, animals, or habitats in marine areas.

(2) Protect or restore outstanding, representative, or imperiled marine species, communities, habitats, and ecosystems.

(3) Protect or restore diverse marine gene pools.

(4) Contribute to the understanding and management of marine resources and ecosystems by providing the opportunity for scientific research in outstanding, representative, or imperiled marine habitats or ecosystems.

(5) Preserve outstanding or unique geological features.

(6) Provide for sustainable living marine resource harvest.

(d) A “state marine ~~(estuarine)~~ cultural preservation area” is a nonterrestrial marine or estuarine area designated so the managing agency may preserve cultural objects or sites of historical, archaeological, or scientific interest in marine areas.

(e) A “state marine ~~(estuarine)~~ recreational management area” is a nonterrestrial marine or estuarine area designated so the

managing agency may provide, limit, or restrict recreational opportunities to meet other than exclusively local needs while preserving basic resource values for present and future generations.

(f) A “state water quality protection area” is a nonterrestrial marine or estuarine area designated to protect marine species or biological communities from an undesirable alteration in natural water quality, including, but not limited to, areas of special biological significance that have been designated by the State Water Resources Control Board through its water quality control planning process.

SEC. 27. Section 36710 of the Public Resources Code is amended to read:

36710. ~~The following classifications may not be inconsistent with United States military activities deemed mission critical by the United States military:~~

(a) In a state marine ~~(estuarine)~~ reserve, it is unlawful to injure, damage, take, or possess any living geological, or cultural marine resource, except under a permit or specific authorization from the managing agency for research, restoration, or monitoring purposes. While, to the extent feasible, the area shall be open to the public for managed enjoyment and study, the area shall be maintained to the extent practicable in an undisturbed and unpolluted state. Access and use for activities ~~such as including,~~ *but not limited to*, walking, swimming, boating, and diving may be restricted to protect marine resources. Research, restoration, and monitoring may be permitted by the managing agency. Educational activities and other forms of nonconsumptive human use may be permitted by the designating entity or managing agency in a manner consistent with the protection of all marine resources.

(b) In a state marine ~~(estuarine)~~ park, it is unlawful to injure, damage, take, or possess any living or nonliving marine resource for commercial exploitation purposes. Any human use that would compromise protection of the species of interest, natural community or habitat, or geological, cultural, or recreational features, may be restricted by the designating entity or managing agency. All other uses are allowed, including scientific collection with a permit, research, monitoring, and public recreation, including recreational harvest, unless otherwise restricted. Public

1 use, enjoyment, and education are encouraged, in a manner
2 consistent with protecting resource values.

3 (c) In a state marine (~~estuarine~~) conservation area, it is unlawful
4 to injure, damage, take, or possess any living, geological, or
5 cultural marine resource for commercial or recreational purposes,
6 or a combination of commercial and recreational purposes, that the
7 designating entity or managing agency determines would
8 compromise protection of the species of interest, natural
9 community, habitat, or geological features. The designating entity
10 or managing agency may permit research, education, and
11 recreational activities, and certain commercial and recreational
12 harvest of marine resources.

13 (d) In a state marine (~~estuarine~~) cultural preservation area, it is
14 unlawful to damage, take, or possess any cultural marine resource.
15 Complete integrity of the cultural resources shall be sought, and
16 no structure or improvements that conflict with that integrity shall
17 be permitted. No other use is restricted.

18 (e) In a state marine (~~estuarine~~) recreational management area,
19 it is unlawful to perform any activity that, as determined by the
20 designating entity or managing agency, would compromise the
21 recreational values for which the area may be designated.
22 Recreational opportunities may be protected, enhanced, or
23 restricted, while preserving basic resource values of the area. No
24 other use is restricted.

25 (f) In a state water quality protection area, point source waste
26 and thermal discharges shall be prohibited or limited by special
27 conditions. Nonpoint source pollution shall be controlled to the
28 extent practicable. No other use is restricted.

29 SEC. 28. Section 36711 is added to the Public Resources
30 Code, to read:

31 36711. The classifications contained in Section 36710 may
32 not be inconsistent with United States military activities deemed
33 mission critical by the United States military.

34 SEC. 29. Section 36725 of the Public Resources Code is
35 amended to read:

36 36725. (a) The Fish and Game Commission may designate,
37 delete, or modify state marine (~~estuarine~~) recreational
38 management areas established by the commission for hunting
39 purposes, state marine (~~estuarine~~) reserves, and state marine
40 (~~estuarine~~) conservation areas. The Fish and Game Commission

1 shall consult with, and secure concurrence from, the State Park and
2 Recreation Commission prior to modifying or deleting state
3 marine ~~(estuarine)~~ reserves and state marine ~~(estuarine)~~
4 conservation areas designated by the State Park and Recreation
5 Commission. The Fish and Game Commission shall not delete or
6 modify state marine ~~(estuarine)~~ recreational management areas
7 designated by the State Park and Recreation Commission.

8 (b) The State Park and Recreation Commission may designate,
9 delete, or modify state marine ~~(estuarine)~~ reserves, state marine
10 ~~(estuarine)~~ parks, state marine ~~(estuarine)~~ conservation areas, state
11 marine ~~(estuarine)~~ cultural preservation areas, and state marine
12 ~~(estuarine)~~ recreational management areas. The State Park and
13 Recreation Commission may not designate, delete, or modify a
14 state marine ~~(estuarine)~~ reserve, state marine ~~(estuarine)~~ park, or
15 state marine ~~(estuarine)~~ conservation area without the concurrence
16 of the Fish and Game Commission on any proposed restrictions
17 upon, or change in, the use of living marine resources.

18 (c) If an unresolved conflict exists between the Fish and Game
19 Commission and the State Park and Recreation Commission
20 regarding a state marine ~~(estuarine)~~ reserve, state marine
21 ~~(estuarine)~~ park, or state marine ~~(estuarine)~~ conservation area, the
22 Secretary of the Resources Agency may reconcile the conflict.

23 (d) The State Water Resources Control Board may designate,
24 delete, or modify state water quality protection areas.

25 (e) The Fish and Game Commission, State Park and Recreation
26 Commission, and State Water Resources Control Board each may
27 restrict or prohibit recreational uses and other human activities in
28 the MMAs for the benefit of the resources therein, except in the
29 case of restrictions on the use of living marine resources. Pursuant
30 to this section, and consistent with Section 2860 of the Fish and
31 Game Code, the Fish and Game Commission may regulate
32 commercial and recreational fishing and any other taking of
33 marine species in MMAs.

34 (f) (1) The Department of Fish and Game may manage state
35 marine ~~(estuarine)~~ reserves, state marine ~~(estuarine)~~ conservation
36 areas, state marine ~~(estuarine)~~ recreational management areas
37 established for hunting purposes and, if requested by the State
38 Water Resources Control Board, state water quality protection
39 areas.

(2) The Department of Parks and Recreation may manage state marine-~~(estuarine)~~ reserves, state marine ~~(estuarine)~~ parks, state marine ~~(estuarine)~~ conservation areas, state marine ~~(estuarine)~~ cultural preservation areas, and state marine ~~(estuarine)~~ recreational management areas. Department authority over units within the state park system shall extend to units of the state MMAs system that are managed by the department.

(3) The State Water Resources Control Board and the California regional water quality control boards may take appropriate actions to protect state water quality protection areas. The State Water Resources Control Board may request the Department of Fish and Game or the Department of Parks and Recreation to take appropriate management action.

SEC. 30. Section 9 of Chapter 517 of the Statutes of 2002 is amended to read:

Sec. 9. (a) The Resources Agency and the Technology, Trade, and Commerce Agency, in consultation with the Imperial Irrigation District, Imperial County, and any other entities, organizations, and individuals deemed appropriate by the secretaries of those two agencies, shall review and report to the Governor and the Legislature, on or before June 30, ~~2003~~ 2005, on all of the following:

(1) The expected nature and extent of any economic impacts related to the use of land fallowing in the Imperial Valley in connection with the Quantification Settlement Agreement, as defined in subdivision (a) of Section 1.

(2) Measures taken by the Imperial Irrigation District in formulating a fallowing program to minimize as far as practicable those economic impacts.

(3) Whether and to what extent funds provided to the Imperial Irrigation District for transferred water under the Quantification Settlement Agreement, together with any other funds that have been made available for these purposes would mitigate those economic impacts.

(4) The amount of any additional funds required to mitigate the economic impacts.

(b) If the report required under this section indicates that additional funds are required, the report shall include recommendations to the Governor and the Legislature on all of the following:

- 1 (1) Proposed means for providing those additional funds,
2 including, but not limited to, funding by the state.
- 3 (2) Formulation of a program to administer those funds in the
4 most effective manner. The program shall be developed in
5 consultation with the Departments of Finance, Food and
6 Agriculture, and Water Resources, with the Imperial Irrigation
7 District, and with any other entities deemed appropriate by the
8 secretaries of the two agencies.

